



BEVERLY EAVES PERDUE
GOVERNOR

EXECUTIVE ORDER NO. 91

EMERGENCY RELIEF FOR DAMAGE CAUSED BY TORNADOES AND SEVERE STORMS IN THE SOUTHERN UNITED STATES

WHEREAS, the Governors of Alabama, Georgia, Mississippi, Tennessee, and Virginia have proclaimed that a State of Emergency exists in these states due to tornadoes; and

WHEREAS, under the provisions of N.C.G.S. §§ 166A-4 and 166A-6(c)(3) the Governor, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the operation of transportation services; and

WHEREAS, with the concurrence of the Council of State, I have found that vehicles bearing equipment and supplies to relieve Alabama, Georgia, Mississippi, Tennessee and Virginia's grief stricken areas must adhere to the registration requirements of N.C.G.S. § 20-86.1 and 20-382, fuel tax requirements of N.C.G.S. § 105-449.47, and the size and weight requirements of N.C.G.S. §§ 20-116 and 20-118. I have further found that citizens in those states have suffered losses and imminent further widespread damage within the meaning of N.C.G.S. § 166A-4(3) will occur.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED:**

Section 1.

The Department of Crime Control & Public Safety in conjunction with the North Carolina Department of Transportation shall waive certain size and weight restrictions and penalties arising under N.C.G.S. §§ 20-116 and 20-118, and certain registration requirements and penalties arising under N.C.G.S. §§ 20-86.1, 20-382, 105-449.47, and 105-449.49 for the vehicles transporting equipment and supplies to relieve Alabama, Georgia, Mississippi, Tennessee and Virginia's grief stricken areas.

Section 2.

Notwithstanding the waivers set forth above, size and weight restrictions and penalties have not been waived under the following conditions:

- a. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer (GVWR) or 90,000 pounds gross weight, whichever is less.
- b. When the tandem axle weight exceeds 42,000 pounds and the single axle weight exceeds 22,000 pounds.
- c. When a vehicle and vehicle combination exceeds 12 feet in width and a total overall vehicle combination length of 75 feet from bumper to bumper.
- d. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having a yellow banner on the front and rear measuring a total length of 7 feet by 18 inches bearing the legend "Oversized Load" in 10 inch black letters 1.5 inches wide and red flags measuring 18 inches square to be displayed on all sides at the widest point of the load. In addition, when operating between sunset and sunrise, a certified escort shall be required for loads exceeding 8 feet 6 inches in width.

Section 3

Vehicles referenced under Sections 1 and 2 shall be exempt from the following registration requirements:

- a. The \$50.00 fee listed in N.C.G.S. § 105-449.49 for a temporary trip permit is waived for the vehicles described above. No quarterly fuel tax is required because the exception in N.C.G.S. § 105-449.45(a)(1) applies.
- b. The registration requirements under N.C.G.S. § 20-382.1 concerning intrastate and interstate for-hire authority is waived; however, vehicles shall maintain the required limits of insurance as required.
- c. Non-participants in North Carolina's International Registration Plan will be permitted into North Carolina in accordance with the exemptions identified by this Executive Order.

Section 4.

The size and weight exemption for vehicles will be allowed on all North Carolina Interstate Highways Only.

Section 5.

The waiver of regulations under 49 CFR (Federal Motor Carrier Safety Regulations) issued by the states of Alabama, Georgia, Mississippi, Tennessee, and Virginia do not apply to the CDL and Insurance Requirements. This waiver shall be in effect for 60 days or the duration of the emergency, whichever is less.

Section 6.

The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 1 through 5 of this Executive Order in a manner which will implement these provisions without endangering motorists in North Carolina.

Section 7.

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish their loads are being used for relief efforts associated with transporting equipment and supplies to relieve Alabama, Georgia, Mississippi, Tennessee and Virginia's grief stricken areas.

Section 8.

This order is adopted pursuant to my powers under Article 1 of Chapter 166A of the General Statutes and not under my authority under Article 36A of Chapter 14 of the General Statutes. It does not trigger the limitations on weapons in N.C.G.S. § 14-288.7 or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages.

Section 9.

This Executive Order is effective immediately and shall remain in effect for sixty (60) days or the duration of the emergency, whichever is less.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twenty-eighth day of April in the year of our Lord two thousand and eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.



Beverly Eaves Perdue
Governor

ATTEST:

Elaine F. Marshall
Chief Deputy Secretary of State